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12 *Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.*

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 IN RE: OPTICAL DISK DRIVE PRODUCTS  
16 ANTITRUST LITIGATION

17 This Document Relates to:

18 *Dell Inc. and Dell Products L.P. v. Hitachi-LG*  
19 *Data Storage Inc., et al.*, No. 3:13-cv-03350-RS

Case No.: 3:13-cv-03350-RS

MDL No. 2143

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING AMENDED  
COMPLAINT OF DELL INC. AND DELL  
PRODUCTS L.P.**

Hon. Richard Seeborg

1 Plaintiffs Dell Inc. and Dell Products L.P. (collectively, “Dell”), and Defendants Hitachi,  
 2 Ltd., Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc., Koninklijke Philips N.V.,  
 3 Philips & Lite-On Digital Solutions Corporation, Philips & Lite-On Digital Solutions USA, Inc.,  
 4 Lite-On IT Corporation of Taiwan, BenQ Corporation, BenQ America Corporation, NEC  
 5 Corporation, Samsung Electronics Co., Ltd., Samsung Electronics America Inc., Toshiba  
 6 Corporation, Toshiba Samsung Storage Technology Corp., Toshiba Samsung Storage Technology  
 7 Korea Corp., and Toshiba America Information Systems, Inc. (collectively, “Defendants”) by and  
 8 through undersigned counsel, stipulate and agree to the below:

9 WHEREAS, Dell filed a Complaint against Defendants on May 13, 2013 in the Western  
 10 District of Texas, Austin Division, (“Complaint”) which action was transferred to the Northern District  
 11 of California, San Francisco Division on July 16, 2013. *See* Case No. 3:13-CV-03350-RS (N.D. Cal),  
 12 Dkt. Nos. 1, 19;

13 WHEREAS, Dell has proposed to amend its Complaint and provided Defendants with its  
 14 proposed First Amended Complaint, and Defendants consent to such amendment;

15 NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, by and between the  
 16 undersigned counsel for Dell and Defendants, as follows:

17 1. Dell is granted leave to amend pursuant to Fed. R. Civ. P. 15(a)(2). Dell’s First  
 18 Amended Complaint shall be filed within five (5) days after entry of this stipulation and order by the  
 19 Court;

20 2. Dell’s First Amended Complaint shall relate back for all purposes to Dell’s Complaint  
 21 filed on May 13, 2013;

22 3. Defendants’ answers shall be due 45 days from Dell’s filing of its First Amended  
 23 Complaint;

24 4. Defendants need answer only paragraphs 1, 74-76, 80, 140-143, and 164-185 of Dell’s  
 25 First Amended Complaint; and

26 5. This Stipulation and [Proposed] Order does not constitute a waiver by Defendants of  
 27 any defenses to Dell’s action.  
 28

**IT IS SO STIPULATED.**

Dated: December 23, 2016

**ALSTON & BIRD LLP**

*Counsel for Plaintiffs Dell Inc. and Dell Products L.P.*

*/s/ Rodney J. Ganske*

Dated: December 23, 2016

**O'MELVENY & MYERS LLP**

*Attorneys for Defendants Samsung Electronics Co., Ltd.  
and Samsung Electronics America, Inc.*

*/s/ James M. Pearl*

Dated: December 23, 2016

**LATHAM & WATKINS LLP**

*Attorneys for Defendants Toshiba Corporation,  
Toshiba Samsung Storage Technology Corporation,  
Toshiba Samsung Storage Technology Korea  
Corporation, and Toshiba America Information  
Systems, Inc.*

*/s/ Belinda S Lee*

Dated: December 23, 2016

**BLANK ROME LLP**

*Attorneys for Defendants BenQ Corp. and BenQ  
America Corp.*

*/s/ Lisa M. Kaas*

Dated: December 23, 2016

**BAKER BOTTS LLP**

*Attorneys for Defendants Koninklijke Philips N.V.,  
Philips & Lite-On Digital Solutions Corporation,  
Philips & Lite-On Digital Solutions USA, Inc., and  
Lite-On IT Corporation of Taiwan*

*/s/ Evan J. Werbel*

Dated: December 23, 2016

**ROPES & GRAY LLP**

*Attorneys for Defendants Hitachi-LG Data Storage,  
Inc., Hitachi-LG Data Storage Korea, Inc.*

*/s/ Anthony C. Biagioli*

Dated: December 23, 2016

**VINSON & ELKINS LLP**

*Attorneys for Defendant Hitachi, Ltd.*

*/s/ Craig P. Seebald*

**ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 23, 2016

/s/ Rodney J. Ganske

Rodney J. Ganske

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

DATED: 2/15/17



HONORABLE RICHARD SEEBORG  
United States District Judge  
Northern District of California